IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.901 OF 2005

WITH

CIVIL APPLICATION NO.990 OF 2005

Mandakini Madhukar Kore ..Appellant.

Vs.

Dilip Shriniwas Hate & Ors. ..Respondents.

...

Dr.A.K.Bhrthakur for the Appellant.

Mr.P.K.Dhakephalkar for Respondent No.1.

Mr.P.S.Dani i/b Chitnis Vaithy for Respondent No.2.

Mr.S.S.Joshi i/b U.M.Jhaveri for Respondent No.3.

Mr.Nitin Jamdar for Respondent No.4.

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CORAM : DR.D.Y.CHANDRACHUD, J.

19th December, 2005.

P.C. :

At the hearing of this Appeal from Order, learned counsel appearing on behalf of all the

contesting parties are agreed that the following order may be passed by consent and without any further reasons being recorded ;

i) All the disputes and differences between the parties inter alia arising out of the agreement dated 22nd September, 1996 and the supplemental agreement dated 9th May, 2000 shall stand referred to arbitration by Shri.R.A.Dada, Senior Advocate under the provisions of the Arbitration & Conciliation Act, 1996;

ii) The First Respondent shall within a period of two weeks from today deposit an amount of Rs.3 Crores before the Additional Registrar - Judicial, High Court, Appellate Side, Mumbai towards the claim of the Appellant in the arbitral proceedings;

iii) Parties would be at liberty to apply before the Learned arbitrator for further directions and/or reliefs including interim relief during the course of the arbitral proceedings;

iv) In view of the aforesaid agreement which has been arrived at between the parties in terms of the statement made before the Court by their learned counsel, the suit instituted by the Appellant before the City Civil Court being S.C. Suit 4 of 2005 is on the request of counsel appearing for the Appellant dismissed as withdrawn with liberty to agitate all the claims and contentions of the Appellant including those raised in the suit before the Arbitral Tribunal. In view of the withdrawal of the suit, the impugned order of the Learned Trial Judge dated 5th May, 2005 in the interlocutory proceedings does not survive;

v) During the pendency of the arbitral proceedings, further proceedings in Case NO.476/MISC/2005 instituted in the Court of the Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai shall remain suspended. Upon the conclusion of the arbitral proceedings, it would be open to the First Respondent to seek appropriate reliefs before the competent forum.

The Appeal is accordingly disposed of by consent since no other point is pressed on either side.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.